



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,135	09/19/2001	Shinji Ohnishi	35.C15811	8383
5514	7590	02/21/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				DUNN, MISHAWN N
ART UNIT		PAPER NUMBER		
		2616		

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/955,135	OHNISHI, SHINJI
	<b>Examiner</b>	<b>Art Unit</b>
	Mishawn N. Dunn	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 September 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7-11 and 13-24 is/are rejected.
- 7) Claim(s) 6,12 and 25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what the applicant means when citing that "the control means further controls the reproducing operation...."

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- a. A person shall be entitled to a patent unless –
  - b. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-11, 13-16, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Browne et al. (WO 92/22983).

5. Consider claim 1. Browne et al. teaches a reproducing apparatus (pg. 5, para. 3; fig.1) comprising: reproduction means for reproducing moving image data from a recording medium (pgs. 10-11; fig. 1); and control means for changing the recording state of the moving image data in said recording medium based on program information

indicating the reproducing procedure of the moving image data by said reproduction means (pgs. 18-19; fig. 3).

6. Consider claim 2. Browne et al. teaches an apparatus wherein said control means erases the moving image data from said recording medium, based on the program information (pgs. 18-19; fig. 3).

7. Consider claim 3. Browne et al. teaches an apparatus wherein said control means erases, among the moving image data recorded in said recording medium, the moving image data irrelevant from the content of the program information (pgs. 18-19; fig. 3).

8. Consider claim 4. Browne et al. teaches an apparatus wherein said control means further changes the content of said program information according to the moving image data recorded on said recording medium after the erasing process of said moving image data (pg. 19, para. 1).

9. Consider claims 5 and 14. Browne et al. teaches an apparatus further comprising recording means for recording data on said recording medium, wherein said control means controls said recording means so as to record the program information whose content is changed, on said recording medium (pg. 25, para. 1).

10. Consider claims 7 and 9. Browne et al. teaches an apparatus wherein the moving image data include plural moving image files, and said control means erases the moving image data based on the program information on each moving image file basis (pgs. 18-19; fig. 3).

11. Consider claims 8 and 10. Browne et al. teaches an apparatus wherein the moving image data include plural moving image files, and said control means erases a part of the data of the moving image files based on the program information (pgs. 18-19; fig. 3).
12. Consider claim 11. Browne et al. teaches an apparatus wherein the moving image data include plural moving image files, and said control means changes the recording state of the moving image files based on the program information and the preparation dates of said plural moving image files (pgs. 18-19; fig. 3).
13. Consider claim 13. Browne et al. teaches an apparatus wherein said control means further changes, after the changing process of the recording state, the content of the program information based on the moving image data recorded in said recording medium (pgs. 18-19; fig. 3).
14. Consider claim 16. Browne et al. teaches an apparatus wherein said reproduction means reproduces the program information from said recording medium (fig. 6).
15. Apparatus and method claims 19-24 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Iwata et al. (US Pat. No. 6,798,839).

18. Consider claim 17. Browne et al. discloses all the stated limitations as stated above, except an apparatus wherein the moving image data are based on the MPEG-2 TS format.

However, Iwata et al. teaches moving image data based on the MPEG-2 TS format (col. 6, lines 46-48).

The examiner takes official notice that any compression-encoding scheme can be used. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to base the image data on the MPEG-2 TS format, as a choice of design.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Nagai et al. (US Pat. No. 6,795,092).

19. Consider claim 18. Browne et al. discloses all the stated limitations as stated above, except an apparatus wherein the moving image data are based on the SMIL format.

However, Nagai et al. teaches moving image date based on the SMIL format (col.12, lines 51-56).

The examiner takes official notice that any programming language (i.e. HTML, XML, etc.) can be used. Therefore, it would have been obvious to one of ordinary skill in

the art, at the time the invention was made to use, to base the image data on the SMIL format, as a choice of design.

***Allowable Subject Matter***

20. Claims 6, 12, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/955,135  
Art Unit: 2616

Page 7

Mishawn Dunn  
February 1, 2006

*Robert Chevalier*  
ROBERT CHEVALIER  
PRIMARY EXAMINER